

STATE OF SOUTH CAROLINA       )  
  )  
COUNTY OF SALUDA                )

**ORDINANCE NO. 12-25**

**AN ORDINANCE REGARDING THE REGULATION OF SOLAR ENERGY FACILITIES AND OTHER MATTERS RELATING THERETO.**

**WHEREAS**, Saluda County, South Carolina (the “*County*”) is a county and corporate body politic of the State of South Carolina;

**WHEREAS**, Section 4-9-25 of the Code of Laws of South Carolina 1976, as amended, gives the County, by and through its governing body, the County Council of Saluda County, (the “*County Council*”), the power to enact regulations, resolutions, and ordinances that are necessary and proper for the security, general welfare, and convenience of the County and for the preservation of health, peace, order, and good government within;

**WHEREAS**, pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina 1976, as amended, upon the recommendation of the Planning Commission of Saluda County (the “*Planning Commission*”), the County Council has the power to enact land use regulations that guide the development and redevelopment of its area of jurisdiction in accordance with the existing and future needs of the County while promoting public health, safety, morals, economy, good order, appearance, convenience, and general welfare within;

**WHEREAS**, pursuant to this power, the County Council previously adopted the land use regulations found in Chapter 28 of the Code of Ordinances of Saluda County, South Carolina (the “*Code*”);

**WHEREAS**, on June 22, 2025, the Planning Commission recommended that the County Council amend its existing land use regulations to additionally regulate the development of solar energy facilities, including solar farms, within the County; and

**WHEREAS**, the County Council agrees with the recommendations of the Planning Commission and, therefore, desires to amend Chapter 28 of the Code to additionally regulate the development of solar energy facilities, including solar farms, in the manner set forth in Attachment A, incorporated by reference as if restated verbatim.

**NOW, THEREFORE, BE IT ORDAINED** by the County Council, in a meeting duly assembled, as follows:

**Section 1. Findings of Fact.** The findings of fact set forth in the above recitals are incorporated by reference as if restated verbatim.

**Section 2. Adoption of Solar Energy Facility Regulations.**

In a meeting held June 22, 2025, the Planning Commission recommended that the County Council amend its existing land use regulations to additionally regulate the development of solar energy facilities, including solar farms. The Planning Commission reviewed and approved the solar energy facility regulations set forth in Attachment A, incorporated by reference as if restated verbatim, in a meeting held \_\_\_\_\_.

Based on the recommendations of the Planning Commission and following its consideration of any related public comments, the County Council has determined to amend Chapter 28 of the Code to include the solar energy facility regulations set forth in Attachment A, which are hereby approved and enacted.

**Section 3. Public Hearing.** Prior to the date of enactment of this Ordinance and pursuant to the requirements of Section 6-29-1130 of the Code of Laws of South Carolina 1976, as amended, the County held a public hearing on \_\_\_\_\_, 2025.

**Section 4. Recodification and Reindexing.** The County Council Chairman and County Administrator are hereby authorized and directed to take such action as may be necessary to codify this amendment to the Code and are further authorized to make such revisions to the lettering, numbering, formatting, or other non-substantive changes to the chapters, sections, subsections, or clauses comprising this amendment to the Code as may be necessary to provide for the codification thereof.

**Section 6.** If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held or determined to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 7.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict or inconsistency. This Ordinance shall take effect immediately upon its enactment by the County Council.

**Section 8.** Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby amended or repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

ATTEST:

SALUDA COUNTY COUNCIL

\_\_\_\_\_  
Regina H. Turner  
Clerk to Council

BY: \_\_\_\_\_  
James L. Moore  
Chairman

First Reading: July 14, 2025  
Public Reading: September 8, 2025  
Second Reading: September 8, 2025  
Public Hearing:  
Third Reading:

**Attachment A**  
**Saluda County Solar Energy Facility Regulations**

- I. Chapter 28, Article I, Section 28-1 Definitions, of the Code of Ordinances of Saluda County, South Carolina (the “Code”) is amended to define “solar energy facility” as follows:

**Section 28-4 Definitions.**

*Solar Energy Facility.* A facility consisting of one or more solar energy systems on one or more parcels (1) where the purpose of such solar energy system the generation of photovoltaic power as a commercial enterprise including, but not limited to “solar farms,” or (2) where such solar energy system or series of solar energy systems has a capacity rating of one megawatt or greater. This definition does not include solar energy systems that are installed on a parcel where the primary purpose of such solar energy system is the generation of photovoltaic power for consumption on such parcel or for distribution to the energy grid to obtain credits against energy consumed on such parcel, except where the capacity rating of such solar energy system or series of solar energy systems is one megawatt or greater.

- II. Chapter 28 Subdivisions, Article VI Final Subdivision Plat, of the Code is amended to reserve Sections 28-185 to 28-200 for use when adding future amendments through the inclusion of this or a similar designation, “**Secs. 28-185–28-200. Reserved.**”

- III. Article VII Solar Energy Facility Regulations is added to Chapter 28 Subdivisions of the Code and includes the following sections:

**ARTICLE VII. SOLAR ENERGY FACILITY REGULATIONS**

**Section 28-201. Applicability.**

This Section is applicable to the development and operation of solar energy systems that require a footprint of more than 13 acres of land.

**Section 28-202. Design and Development Standards for Solar Energy Facilities.**

- (1) Site plans shall be prepared by a licensed land surveyor, landscape architect, or engineer in the State of South Carolina and bare an official seal.
- (2) Solar energy facilities shall be set back 50 feet from adjoining property lines and road right of ways and 200 feet from the nearest residence, church, or school. Setback distances are to the security fence and inclusive of the vegetated buffer.

- (3) Solar structures shall not exceed 20 feet in height. This provision shall not include the interconnection poles, substation equipment, or other devices necessary for the electricity to be delivered to the public utility station.
- (4) The perimeter of the solar energy facility shall be secured by a fence or wall that is a minimum of six feet in height. This fence or wall must remain secure at all times.
- (5) Solar energy facilities shall be screened from adjacent public road rights of way, residences, churches, or schools with a vegetated buffer that meets the following specifications:
  - a. A continuous vegetated buffer along all sides of the development shall be provided. Vegetation for buffers shall be on the exterior of security fencing. To the extent possible, existing trees should be kept or installed as the vegetated buffer. Low lying vegetation may be used to fill the gaps between taller vegetation. This continuous vegetated buffer must be maintained in a manner that ensures the continued compliance with the vegetated buffer requirements set forth herein.
  - b. If installing a vegetated buffer, it shall meet one of the following standards:
    - i. On-site mature vegetation averaging 10 feet in height; or
    - ii. A single row of evergreens in combination with mature vegetation installed at a height of five feet achieving opaqueness and an average height of 15 feet, or at least two feet higher than the highest solar panel, in five years; or
    - iii. A double row of offset evergreens absent mature vegetation, installed at a height of five feet achieving opaqueness and an average height of 15 feet, or at least two feet higher than the highest solar panel, in five years.
- (6) Solar panels shall be located and situated so glare is not a hazard to traffic or residences. Solar collectors shall be designed with anti-reflective coating to minimize glare. Textured glass is optional. Mirrors are prohibited.

- (7) All lighting shall be shielded or directed in a downward position to prevent noxious glare. A light fixture is required at the ends of all turnarounds.
- (8) A warning sign concerning voltage must be placed at the main gate to include the address and name of the solar energy system operator and a twenty-four-hour phone number for the solar energy facility in case of an emergency.

**Section 28-203. Decommissioning Plan and Performance Bond Requirements.**

- A. In addition to any other development and environmental requirements imposed by federal, state, or local laws, prior to building permit approval, the applicant must include a decommissioning plan that is consistent with the current decommissioning requirements of the South Carolina Department of Environmental Services and includes the anticipated life of the solar energy facility, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar energy facility will be decommissioned and the site restored.
- B. Prior to building permit approval, the applicant must also provide the County with a performance guarantee (surety or performance bond, certified check or irrevocable letter of credit) in the amount of 125% of the estimated decommission cost minus the salvageable value or \$50,000, whichever is greater. Estimates shall be determined by an engineer licensed to practice in the state of South Carolina. Performance guarantee shall be implemented no later than year five, unless waived by County Council.
- C. The operator of the solar energy facility has an ongoing obligation to maintain a decommission plan that complies with the decommissioning requirements of the South Carolina Department of Environmental Services. The operator shall timely submit all updated decommission plans to the County.
- D. Following a continuous six-month period in which no electricity is generated or sold, the solar energy facility will have six months to complete decommissioning. Decommissioning includes the removal of solar panels, buildings, cabling, electrical components, and any other associated facilities described in the decommissioning plan.
- E. The South Carolina Department of Environmental Services is charged with enforcing this Section. Upon the failure of an owner or operator to remedy a violation within thirty days of receiving notice, the South Carolina Department of Environmental Services may impose civil penalties and require remediation. Penalties may be not less than one

hundred dollars nor more than five thousand dollars for each day of noncompliance. Penalties may be waived by the South Carolina Department of Environmental Services for good cause for noncompliance shown by the owner or operator.